

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:15-CR-92-1H

UNITED STATES OF AMERICA,

v.

RODNEY S. DAW,
Defendant.

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ORDER


This matter is before the court on Defendant's Motion to Dismiss, [D.E. #38], and the court's own Motion to Continue Trial. For reasons stated in the government's response, Defendant's Motion to Dismiss, [D.E. #38], is DENIED. Defendant, however, shall not be prejudiced from moving to dismiss at the close of the government's evidence or the close of all evidence at trial on the issue raised in the instant Motion to Dismiss.

Additionally, on the court's own motion, due to internal scheduling concerns the trial in this matter is hereby continued, with jury selection to commence at **10:00 a.m. on Monday, November 28, 2016**, at the United States Courthouse in Greenville, North Carolina. Counsel shall appear in chambers at 9:30 a.m. on November 28, 2016, with their proposed witness lists, which shall specifically identify the names and cities of

residence of each witness. Estimated trial time is five (5) days.

Any delay that results from this continuance of Defendant's trial is excluded from Speedy Trial Act computation pursuant to 18 U.S.C. § 3161(h)(7)(A) for the reason that the ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy trial.

This 8TH day of November 2016.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
#34